

PATENT COOPERATION TREATY

DUE DATE DIARY	
ACTION	DUE DATE
WO	May 7/05 An

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/CA2004/000990	International filing date (day/month/year) 07.07.2004	Priority date (day/month/year) 07.07.2003
International Patent Classification (IPC) or both national classification and IPC A47B47/00		
Applicant ROYAL ALLIANCE INC.		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/000990

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/000990

Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	2-9	/
	No: Claims	<u>1,10-16</u>	
Inventive step (IS)	Yes: Claims	2-9	/
	No: Claims	1,10-16	+
Industrial applicability (IA)	Yes: Claims	1-16	
	No: Claims		

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Re Item V.

- 1 The following documents are referred to in this communication:**
- D1 : GB 1 187 039 A (DAVID DENISON JONES) 8 April 1970 (1970-04-08)
D2 : BE 886 279 A (GROSJEAN PIERRE) 16 March 1981 (1981-03-16)
D3 : FR 2 596 821 A (GIGOT PHILIPPE) 9 October 1987 (1987-10-09)
D4 : WO 03/015578 A (ROYAL ALLIANCE INC ; VAN RHIENEN ALPHONS (CH)) 27 February 2003 (2003-02-27)
D5 : US 3 589 784 A (WINKELS WILLHELM) 29 June 1971 (1971-06-29)
D6 : FR 2 819 703 A (MONNET SEVE SA) 26 July 2002 (2002-07-26)
D7 : US 3 841 726 A (ANDROS A ET AL) 15 October 1974 (1974-10-15)
D8 : WO 97/25537 A (ECOARREDO S R L ; VITOLA LUIGI (IT)) 17 July 1997 (1997-07-17)
D9 : EP 0 131 149 A (PFEIFER PETER) 16 January 1985 (1985-01-16)
D10 : FR 1 265 305 A (BOZINO FRANCOIS PIERRE) 30 June 1961 (1961-06-30)
D11: FR 2 832 602 (VANDELANOITE PIERRE) 30 May 1987 (2003-05-30)

2 INDEPENDENT CLAIM 1

- 2.1** The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parenthesis applying to this document):

A furniture system (cl. 1) which is composed of at least first and second panel-shaped elements (11, 16, 17), with a first and a second panel-shaped element (11, 16, 17) in each case positioned at an angle with respect to one another and each panel-shaped element (11, 16, 17) comprising two bearing surfaces (top and bottom surfaces of each element, see figures) and end sides which connect the bearing surfaces, the panel-shaped elements being assembled to form a furniture system using connecting elements, wherein the connecting elements are tie rods (24), at least part of which runs parallel to the panel-shaped elements (11, 16, 17), the tie rods (24) connecting the panel-shaped elements (11, 16, 17) under tension.

- 2.2** Documents D2-D6 also disclose all the features of claim 1.

3 INDEPENDENT CLAIM 11

3.1 The subject-matter of claim 11 is not new in the sense of Article 33(2) PCT because document D1 discloses all the features of claim 11: see here-above paragraph 2.1 and in D1 fig. 1, see the parallel cavities (27).

3.2 Documents D2-D6 and D11 also disclose all the features of claim 11.

4 INDEPENDENT CLAIM 16

4.1 The subject-matter of claim 16 is not new in the sense of Article 33(2) PCT because document D8 discloses all the features of claim 16, see D8 fig.1B and 2.

4.2 Documents D9 and D10 also disclose all the features of claim 16.

5 DEPENDENT CLAIMS 10, 12-15

Dependent claims 10, 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

For claim 10, see document D1, fig. 1, 2 and 4, p. 2 left column, last paragraph.

For claim 15, see document D3, fig. 1 and p. 7, l. 2.

For claims 12-14, refer to document D11, fig. 1c and 2a, see openings (6, 8) and cavities (7, 8b).

6 DEPENDENT CLAIMS 2-9

6.1 The combination of the features of dependent claim 2 is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:
The feature of a coupling part having protuberances at the corner is not disclosed by any documents D1-D6. Document D7 discloses such similar features but does not contain any indications that could lead a skilled person to use the coupling parts of D7 in a device as described in D1 (or in D2-D6). Moreover, to adapt a coupling part as in D7 in a furniture system as in D1 would require such non-obvious technical modifications that these latter could be attributable to nothing but inventive step.

6.2 The combination of the features of dependent claims 3-9 are neither known from, nor rendered obvious by, the available prior art too.